

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

2 Inventor: YOUNG- MIN SONG

3 Serial No: 10/527,013

4 Filing Date: MARCH 7, 2005

5 Title: AUXILLARY TOOL FOR EXAMINATION OF BIOPSY SPECIMEN

6 International Application No: PCT/KR2004/001397

7 Attorney Docket No: RODA 101

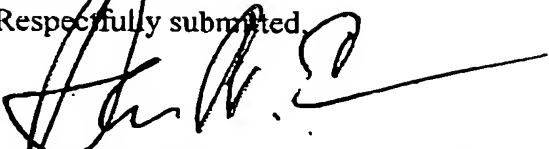
8 Date: June 7, 2006

9 MAIL STOP: PCT
10 OFFICE OF PCT LEGAL ADMINISTRATION
11 COMMISSIONER FOR PATENTS
12 P.O. Box 1450
13 Alexandria, VA 22313-1450

13 **PETITION UNDER 37 CFR 1.497 (d)**

14 This Petition is being filed in response to the DECISION ON DECLARATION
15 mailed on April 21, 2006, for the above-referenced PCT application. A replacement
16 Declaration for this Application was submitted on February 10, 2006, that added Kyeongil
17 Kim as a co-inventor who was inadvertently omitted on the original PCT Request filed on
18 April 22, 2004 (copy now being submitted). A Petition Under 37 CFR 1.497 (d) was not
19 submitted. This Petition Under 37 CFR 1.497 (d) is now being submitted along with a credit
20 card voucher for \$130.00.

1 Respectfully submitted,

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3 DEAN A. CRAINE, Reg. No. 33,591

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**21 APR 2006**

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APR 26 2006

DEAN A. CRAINE, P.S.

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Suite 1400
Bellevue WA 98004

In re Application of
Young-Min SONG
Application No.: 10/527,013
PCT No.: PCT/KR04/01397
Int. Filing Date: 11 June 2004
Priority Date: 22 April 2004
Attorney Docket No.: RODA 101
For: AUXILIARY TOOL FOR EXAMINATION
OF BIOPSY SPECIMEN

DECISION ON
DECLARATION

This is a decision on applicants' "CORRECTED APPLICATION PAPERS TRANSMITTAL", filed on 15 February 2006 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application.

BACKGROUND

On 07 March 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee. The first page of the transmittal letter incorrectly indicated an international application no. PCT/RK04/01397; it should have read PCT/KR04/01397 as listed on the subsequent pages.

On 27 December 2005, a Notification of Missing Requirements was mailed to applicant indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required because the declaration submitted on 07 March 2005 identified an inventor not listed on the international application.

On 16 February 2006, applicant filed "Corrected Application Papers Transmittal" indicating that Mr. Lee is listed on the Request as a co-inventor. Applicant did not provide Form PCT/IB/306 adding Sei-Jin Lee as a co-inventor.

DISCUSSION

A review of the published international application PCT/KR04/01397 reveals that Young-Min Song is the sole inventor and identifies Sei-Jin Lee as the agent. Applicant did not provide an Notification of the Recording of A Change (Form PCT/IB/306) issued by the International Bureau adding Sei-Jin Lee as a co-inventor under PCT Rule 92*bis*.

The declaration submitted on 07 March 2005 erroneously identifies Kyeongil Kim as a co-

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inventor with Young-Min Song and thus is not in compliance with 37 CFR 1.497(a) and (b). Since there is no indication that Kyeongil Kim was accepted by the International Bureau under PCT Rule 92bis as a co-inventor, it is improper to accept the declaration identifying him as a co-inventor.

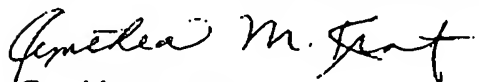
CONCLUSION

The declaration executed by Kyeongil Kim as a joint inventor of Young-Min Song in the above referenced application is unacceptable and not in compliance with 37 CFR 1.497(a) and (b). A new declaration, in compliance with 37 CFR 1.497(a) and (b), and executed by sole inventor Young-Min Song is required.

The application will be held in the PCT Legal Office to await applicant's further reply.

Any reconsideration on the merits of the petition under 37 CFR §1.497(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.497(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571)272-3286
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Korean Language Declaration

: 지명된 발명자로서 본인은 이 특허를 출원하고 이와 관련하여
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 : 대리인(들)을 임명합니다. (성명 및 등록번호 기재)

POWER OF ATTORNEY: As a named inventor, I hereby
 appoint the following attorney(s) and/or agent(s) to prosecute
 this application and transact all business in the Patent and
 Trademark Office connected therewith: (last name and
 registration number)

DEAN A. CRAINE (33,591)

신 수선자

Send Correspondence to:

DEAN A. CRAINE

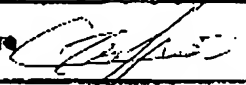
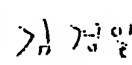
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Dean A. Craine, (425) 637-3035

동 전화 수선자 성명 및 전화번호)

독 또는 첫번째 발명자의 성명	Full name of sole or first inventor	Young-Min Song
발명자의 서명	inventor's signature	 Date 28/FEB/05
주거지	Residence	Hansin Chung-gu A.P.T 101-150/ Mok 6-Dong Seoul Korea
국적	Citizenship	Korean
우송 주소	Post Office Address	Hansin Chung-gu A.P.T 101-150/ Mok 6-Dong Seoul Korea
다음 있으면 두번째 공동 발명자의 이름	Full name of second joint inventor, if any	Kyeongil Kim
두번째 발명자의 서명	Second inventor's signature	 Date 28/FEB/05
주거지	Residence	#101 Na-Dong Jang-An town Sungsu 2Ga 1Dong, Sung Dong Gu, Seoul Korea
국적	Citizenship	Korean
우송 주소	Post Office Address	#101 Na-Dong Jang-An town Sungsu 2Ga 1Dong, Sung Dong Gu Seoul Korea

(세번째 그리고 이후의 공동 발명자들에 대한 유사한 정보와 그들의 서명을 제공할 것.)

(Supply information and signature for third and subsequent joint inventors.)